

ATTACHMENT A

[REDACTED]

The undersigned parties hereby stipulate and agree that if this case had proceeded to trial, the government would have proven the following facts beyond a reasonable doubt. The undersigned parties also stipulate and agree that the following facts do not encompass all of the evidence that would have been presented had this matter proceeded to trial.

[REDACTED]

James CIFALA, age 47, resides at 38 Virginia Avenue, Edgewater, Maryland. Prior to his recent resignation, CIFALA was a lieutenant with the Anne Arundel County Police Department.

Juvenile 1, born in [REDACTED] 1993, first met CIFALA in 2007, [REDACTED]

[REDACTED]

[REDACTED] At the time, CIFALA knew Juvenile 1 was 14 years old. Between 2007 and 2009, CIFALA spoke with Juvenile 1 about having sex, but told Juvenile 1 they had to wait until she turned 16 years old. CIFALA also told Juvenile 1 that she had to earn his trust prior to having sexual intercourse because CIFALA was concerned that Juvenile 1 would tell others.

In May of 2008, Juvenile 1's parents found a letter that had been written by Juvenile 1 and was intended for another minor female [REDACTED] In the letter, Juvenile 1 wrote:

[REDACTED]

[REDACTED]

“Jimbo” is an alias for CIFALA. When confronted about the letter, Juvenile 1 covered for CIFALA and told her parents that he was not the Jimbo referred to in the letter. [REDACTED]

[REDACTED]

Juvenile 1 and CIFALA stayed in contact via the computer, utilizing a social networking site and various “profiles” CIFALA created on that site, including “hollybutler16” and “plentyoftime16.” In addition, CIFALA and Juvenile 1 began exchanging text messages in 2009. Juvenile 1 used a specific cellular telephone number (hereinafter “C1”) and CIFALA (using the name “Johnny”) at first used a cellular telephone assigned the number (443) 994-4168. Later, CIFALA acquired a pre-paid cellular telephone, also known as a “trac” phone, assigned the number (240) 619-9531 for the exclusive purpose of sending texts and receiving photographs from Juvenile 1. Between August 14, 2009 and September 6, 2009, there were over 1300 contacts between CIFALA and Juvenile 1. Most of the contacts are text message conversations and many are sexually graphic. Excerpts from three of the text message discussions include the following (Juvenile 1’s telephone is C1):

July 30, 2009

Cifala: Hey, take ur top off n cover ur boobs w u arm and send me a pic  
Cifala: Cover ur pussy w one hand, legs sped n one like that too loln I know u will but don't forget to delete....right away  
C1: Haha will do. And stop worrying. Im better at this than you think =)

Cifala: Kk that's the last time ill remind u :-) That will help while im away ;- ) thanks baby, u gonna sleep now

Shortly after this conversation, two photos were transmitted from C1 to CIFALA.

August 15, 2009

Cifala: ... You where great today  
C1: ...And thank you, so were you ;) sex with you is fun.  
Cifala: Thanks lol more to cum! Send me a good pic when u can n remember its my last night so ill text u wen night  
C1: Okay. I can send u one now if you want cuz no ones home lol. You want one like the kind we discussed? Or maybe something a little naughtier?  
Cifala: As nasty as u want  
Cifala: Ill prob jo later to it lol  
C1: This new phone certainly makes things more fun. Lol. Ill send you something in a few ;)  
C1: Well then ill finger myself for you now. Lol  
Cifala: Kk  
Cifala: Nice u  
C1: U just want one?  
Cifala: A few would b b nice  
C1: Alrightys. Ill get you a few to last till Wednesday ;)  
Cifala: Thanks ill need them lol  
C1: Theres 5. One for each night. =)  
Cifala: Omg im so hard..Its def a sleep issue..Lol  
C1: Hahaha wish i was there to help with your stiffy but im stuck here =(....and im sore as shit. Fingering myself actually hurt. Haha  
Cifala: Bet ur cunts still wet it was a good load  
C1: Haha it is too. Last time it was like the next day before it was all out. Itll probably be the same thing this time too.

During this conversation, five photos were transmitted from C1 to CIFALA.

August 25, 2009

Cifala: Yes your my slut n don't forget that, now put you fingers in you pussy n send me a pic...A close up  
C1: I've gotta go to work! Lol. But ill do a whole photoshoot for you later. I promise =)  
Cifala: Thats fine. But i want one !! So when ur on break go in the bathroom n finet that cunt, it belongs to me!!!  
C1: Definitely. Itll be my pleasure ;)  
Cifala: N don't piss me off or i wont bite ur fn neck next time  
C1: Ill never piss you off baby. And i hope i see you later =)  
Cifala: K love everything about u  
C1: Love you like crazy you dirty old man =)

Cifala: Im off the grid..Just send so ill have a am surprze...Love you

Shortly after this conversation, one photo was transmitted from C1 to CIFALA.

During the investigation, law enforcement officers reviewed the contents of C1 and observed that it contained sexually explicit photographs of Juvenile 1. Further investigation also indicated that CIFALA used these cellular phones and the social networking site profiles to arrange sexual encounters with Juvenile 1. In 2009, at a time when CIFALA was 46 years old and Juvenile 1 was 16 years old, CIFALA had sexual intercourse with Juvenile 1 multiple times in his truck and in a vacant house.

Between May of 2009 and July of 2009, CIFALA knowingly received over 10 visual depictions of Juvenile 1, whom he knew to be a minor, engaged in sexually explicit conduct on his cellular telephones. The visual depictions, which were taken by Juvenile 1 at CIFALA's request, were focused on the genitalia of Juvenile 1. The visual depictions traveled in and affected interstate and foreign commerce.

On January 20, 2010, law enforcement executed a search warrant at CIFALA'S residence and seized a number of computers and digital storage media, to include cellular telephones, a HP laptop computer, and a generic computer with accompanying Seagate HDD, s/n 7EF0T7ZM (assigned FBI forensic evidence control numbers Q-CYD 007 and Q-CYD 007\_1). Additional items were subsequently seized from the patrol car assigned to the defendant. All items were held in custody of the Federal Bureau of Investigation.

Computer forensic analysis of that Seagate HDD showed that it contained a peer to peer file sharing software called "Kazaa" which had been used to search for and download child pornography. The computer's Windows operating system registry, which became active in 2001 and appears to have been last accessed in 2006, reflects that email address [jbmc0731@msn.com](mailto:jbmc0731@msn.com)

was registered in the Kazaa software and is associated with JAMES CIFALA. Some of the search terms that had been entered in the Kazaa program include “young,” “incest,” “young cunt,” and “photo by carl.” The phrase “photo by carl” refers to a series of pornographic images commonly traded among child pornography collectors and is known to law enforcement to depict identified minor victims. Your affiant reviewed images located on the computer in the Kazaa program and observed several that appear to depict child pornography. One image, entitled “r@ygold teen party by carl,” depicts two nude minor males and two nude minor females engaged in sexual intercourse and oral sex. Another image, entitled “2-18.jpeg,” depicts a nude adult male placing his penis in the mouth of a nude prepubescent female. CIFALA knowingly possessed and received over 10 additional images of minors engaged in sexually explicit conduct on this computer which were received from the internet, and therefore had traveled in interstate or foreign commerce. The images remained stored on his computer.

Agents also seized an HP laptop computer, model Pavilion dv7, s/n CND9113D16, with accompanying “400 GB” Fujitsu HDD, model MK4058GSX, s/n 29CGT2HAT, from CIFALA’S residence. While forensic examination of the laptop did not reveal any images of child pornography, the internet browser search history showed that the most recent searches included searches for variations of Juvenile 1’s name, as well as the following search terms: “what is cp”; “can you find where a pay as you go phone was bought by the phone number”; “how long does a trac phone keep messages”; “small boobs”; “little girl”; “young girl”; “no boobs”; “flat chested”; “blonde teen”; and “tight teen.” Forensic analysis of that laptop computer also showed that it had been used to visit Juvenile 1’s social networking site profile, and also used five times (the last time appearing to be just two weeks prior to the search warrant being executed) to access a website called “Tube8/cat/teen/3/page/3”, a site that makes sexually explicit videos of teenagers

available for viewing and downloading.

I have read this statement of facts, and carefully reviewed it with my attorney. I  
acknowledge that it is true and correct.

  
Date

  
James Cifala

  
Date

  
Andrew C. White, Esquire